

REMARKS

This Amendment is filed in response to the Office Action mailed Feb. 14th, 2006. All objections and rejections are respectfully traversed.

Claims 21-47, 49-52, and 54-73 are pending in the case.

Claims 21, 28, 29, 35, 41-44, 47 and 52 have been amended to better claim the invention.

Claims 57-73 have been added. The Applicant believes the new claims include features not suggested by any of the cited references, or any combination of the cited references. Accordingly, the Applicant respectfully requests allowance of the new claims.

Claim Rejection 35 U.S.C. §102

At paragraphs 3-17 of the Office Action, claims 21, 22, 24, 25, 27-32 and 34-38 were rejected under 35 U.S.C. §102(e) as anticipated by Requena, U.S. Patent Publication No. 2002/0126701, published on Sept. 12, 2002 (hereinafter Requena).

The Applicant notes Requena claims priority to a provisional application filed on Nov. 8, 2000, approximately 7 months before the June 19, 2001 filing date of the parent Application this Application claims priority to. While the Applicant does not admit Requena has actual prior art status, even assuming arguendo Requena is prior art, the reference would not anticipate or make obvious the Applicant's claims as explained below.

The Applicant's claim 21, representative in part of the other rejected claims, sets forth:

21. A system for discovering and maintaining geographic location information for network sites, the system comprising:

a portable computing unit having a location discovery entity, a message generator configured to generate network messages, and a communication facility configured to transmit the network messages onto a computer network; and

a location generator configured to determine physical coordinates for its current location, the location generator coupled to the computing unit for providing physical coordinates thereto, whereby the discovery entity and the message generator cooperate to acquire physical coordinates from the location generator for a given network site, and to load the acquired physical coordinates into one or more network messages, and the communication facility transmits the one or more network messages containing the physical coordinates; and

a network switch configured to receive the network messages that contain the physical coordinates and to store the physical coordinates in a memory location associated with the network site, the network switch further configured to append the physical coordinates to a message from the network site to another network site.

Requena discloses a messaging system where spatial location information is transmitted as spatial location payload (SLoP) field of a packet. *See* abstract, paragraph 0071. First, a positioning function (PF) of a terminal determines the location of the terminal. *See* paragraph 0127. The positioning function “is typically an integral terminal function.” *See* paragraph 0127. The location information is then incorporated into the SLoP field of a message. *See* Fig. 6 (showing a proposed message format for holding spatial location information). The messages are sent and then received by a Location Server that stores the special location information. *See* paragraph 0192.

The Applicant respectfully urges that Requena is silent concerning the Applicant’s claimed “***a network switch configured to receive the network messages that contain the physical coordinates and to store the physical coordinates in a memory location associated with the network site, the network switch further configured to append the physical coordinates to a message from the network site to another network site.***”

First, while the Applicant claims ***a network switch configured to receive the network messages that contain the physical coordinates and to store the physical coordinates***, Requena instead instructs that one needs a Location Server to receive and store

such information. Requiring a special server introduces unwanted complexity and expense that is avoided by the Applicant.

Second, while the Applicant claims the *network switch further configured to append the physical coordinates to a message from the network site to another network site*, Requena is completely silent concerning appending location information to a messages by a switch. Requena only envisions a terminal itself including location information in a message. Yet many terminals do not know their own physical locations (i.e. contrary to the teaching of Requena most terminals lack internal GPS), and many terminals do not support including such location information in messages. Accordingly, the Applicant claims providing functionality in a networked switch *to append the physical coordinates to a message*. That is, the network switch may append the information to a message as the message passes through the switch enroute from *the network site to another network site*.

Accordingly, the Applicant respectfully urges that Requena is legally insufficient to anticipate the present claims under 35 U.S.C. §102 because of the absence of the Applicant's claimed novel *"a network switch configured to receive the network messages that contain the physical coordinates and to store the physical coordinates in a memory location associated with the network site, the network switch further configured to append the physical coordinates to a message from the network site to another network site."*

Claim Rejections – 35 U.S.C. §103

At paragraphs 18 of the Office Action, claims 23 was rejected under 35 U.S.C. §103(a) as obvious over Requena in view of Lin et al. U.S. Patent Publication No. 2002/0059420 (hereinafter Lin).

The Applicant notes Lin claims priority to a provisional application filed on Sep. 9, 2000, approximately 9 month before the June 19, 2001 filing date of the parent Appli-

cation this Application claims priority to. While the Applicant does not admit Lin has actual prior art status, even assuming *arguendo* Lin is prior art, the reference would not anticipate or make obvious the Applicant's claims as explained below.

Claim 18 is a dependent claim that depends from an independent claim that is believed to be in condition for allowance. Accordingly, claim 18 is also believed to be in condition for allowance.

At paragraphs 19-22 of the Office Action, claims 24-26 were rejected under 35 U.S.C. §103(a) as obvious over Requena in view of Fullerton et al. U.S. Patent Publication No. 2003/0197643 (hereinafter Fullerton).

Claims 19-22 are a dependent claims that depend from an independent claim that is believed to be in condition for allowance. Accordingly, claim 19-22 are also believed to be in condition for allowance.

At paragraphs 23 of the Office Action, claim 33 was rejected under 35 U.S.C. §103(a) as obvious over Requena.

Claim 33 is a dependent claim that depends from an independent claim that is believed to be in condition for allowance. Accordingly, claim 33 is also believed to be in condition for allowance.

At paragraphs 24-29 of the Office Action, claims 39, 40-47, 49-52 and 54-56 were rejected under 35 U.S.C. §103(a) as obvious over Requena in view of Shmulevich et al. U.S. Patent No. 6,515,985 (hereinafter Shmulevich).

The Applicant's claim 45, representative in part of the other rejected claims, sets forth:

45. A method for discovering and maintaining geographic location information for network sites, comprising:

generating physical coordinates corresponding to the location of a first network entity;

loading the physical coordinates generated for the first network entity into one or more network messages;

sending the one or more network messages to a selected intermediate network device, the selected intermediate network device having a plurality of ports;

receiving the physical coordinates generated for the first network entity on a given port; and

associating the received physical coordinates with the given port.

Requena is described above.

Shmulevich describes a cellular communication system that includes a plurality of cellular network switches, each switch adapted to transmit and receive messages. A call control block (Fig. 8, box 186) of each cellular network switch “provides context support and port selection for each circuit identification code (CIC) in calls between one MSC and another.” *See* col. 13, lines 36-67. That is, a call control block is responsible for directing calls through the switch to the correct ports and also sending relevant call control messages to other switches. *See* col. 13, lines 36-67.

The Applicant respectfully urges that both Requena and Shmulevich are silent concerning the Applicant’s claimed *“receiving the physical coordinates generated for the first network entity on a given port”* and *“associating the received physical coordinates with the given port.”*

While the Applicant associates *received physical coordinates with the given port* of a intermediate network device on which they are received, neither reference suggests such a feature. Requena makes little mention of network ports, much less associating received physical coordinates with a port. Shmulevich simply describes directing calls through cellular switches from one port to another, and makes no suggestion of associating physical coordinates with a port. Combining these two references, one would find

no motivation for *associating the received physical coordinates with the given port*on which the message was received, as opposed to associating the physical coordinates with another quality, for example device name, device IP, etc.

Accordingly, the Applicant respectfully urges that the combination Requena and Shmulevich is legally insufficient to make obvious the present claims under 35 U.S.C. §103 because of the absence of the Applicant's claimed novel "*receiving the physical coordinates generated for the first network entity on a given port*" and "*associating the received physical coordinates with the given port*."

In the event that the Examiner deems personal contact desirable in disposition of this case, the Examiner is encouraged to call the undersigned attorney at (617) 951-2500.

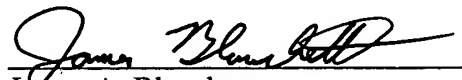
All independent claims are believed to be in condition for allowance.

All dependent claims are believed to be dependent from allowable independent claims.

The Applicant respectfully solicits favorable action.

Please charge any additional fee occasioned by this paper to our Deposit Account No. 03-1237.

Respectfully submitted,



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